

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2006-294-C - ORDER NO. 2007-506
AUGUST 2, 2007

IN RE: Sandi Perry,) ORDER GRANTING
) CONFIDENTIAL
Complainant/Petitioner) TREATMENT
)
v.)
)
BellSouth Telecommunications, Inc. d/b/a)
AT&T South Carolina,)
)
Defendant/Respondent.)

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Motion of BellSouth Telecommunications, Inc. d/b/a AT&T South Carolina (AT&T or the Company), filed June 27, 2007, for confidential treatment of certain material in this docket.

As set forth in the Commission's Docketing Department's March 6, 2007 letter, pursuant to 26 S.C. Code Ann. Regs. 103-869(C) (Supp. 2006), AT&T on June 27, 2007, filed the direct testimonies of W. Bernard Shell, David P. Scollard, and Judy Nell Chambers on behalf of the Company. Concurrent with the filing of the testimonies, AT&T moved for this Commission to issue a protective order holding that portions of the witnesses' testimonies and exhibits be held as proprietary information and be protected from public disclosure. The Company represents that the information contained in the

testimonies is entitled to confidential, proprietary and/or trade secret protection. AT&T filed the testimonies in separate and sealed envelopes clearly marked “proprietary.” Redacted copies of the relevant materials were filed as well.

The South Carolina Freedom of Information Act (“FOIA”) allows exemption from disclosure proprietary business information that meets a definition of “trade secrets.” S.C. Code Ann. Section 30-4-40(a)(1) states that matters which may be exempt from FOIA include: “(1) Trade secrets, which are defined as unpatented, secret, commercially valuable plans, appliances, formulas, or processes....Trade secrets also include, for those public bodies who market services or products in competition with others, feasibility, planning, and marketing studies, and evaluations and other materials which contain references to potential customers, competitive information or evaluation.” We find that the information contained in the testimonies filed by AT&T for which the Company seeks protection as confidential meets the definition of “trade secrets” as defined under FOIA, and therefore, we grant AT&T’s motion.

IT IS THEREFORE ORDERED THAT:

1. The Motion of BellSouth Telecommunications, Inc. d/b/a AT&T South Carolina for Protective Order is granted. Accordingly, the cost figure in the direct testimony of W. Bernard Shell, and Proprietary Exhibits JNC-1, JNC-4, JNC-6, JNC-10, DPS-1 and WBS-1, filed with the Commission are granted confidential treatment and shall be maintained under seal and withheld from public disclosure.

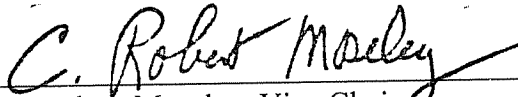
2. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



G. O'Neal Hamilton, Chairman

ATTEST:



C. Robert Moseley, Vice Chairman

(SEAL)